

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-7 are currently pending. Claims 1-7 are independent and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. TELEPHONE INTERVIEW

Applicant thanks the Examiner for granting the telephone interview on July 1, 2007. The Applicant and Examiner discussed their differing interpretations of the Chiba reference. Applicant noted an aspect of the present invention is data are transmitted only after premise conditions are met. Applicant proffered an amendment to the claims to overcome the Chiba reference. The Examiner indicated the proffered amendment might require additional search.

III. REJECTIONS UNDER 35 U.S.C. §102

Claims 1-7 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 7,062,579 to Tateyama et al. (herein after merely “Tateyama”) in view of U.S. Patent No. 6,665,088 to Chiba et al. (hereinafter, merely “Chiba”).

Applicants respectfully traverse these rejections.

Independent claim 1 is representative and recites, *inter alia*:

“wherein the control means transmits the picture data from the picture processing means only when the profile as a premise for transmitting the picture data is met.” (emphasis added).

The Office Action points to Chiba (Fig. 2, boxes S6, S7 and S9) as disclosing “the control means does not transmit the picture data from the picture processing means based upon the profile as a premise for transmitting the picture data.” The Office Action helpfully notes: “while it is clear that the data will eventually be transferred, the flow chart [FIG. 2] shows that on the first pass the data is not transmitted based on the profile (resolution).”

Applicant respectfully disagrees with the Office Action interpretation of Chiba’s FIG. 2, boxes S6, S7 and S9 as discussed in detail in Applicant’s May 23, 2007 reply to the Final Action mailed March 23, 2007. Applicant’s May 23, 2007 regarding the interpretation of Chiba is included herein by reference.

In contrast, claim 1 recites, “the control means transmits the picture data from the picture processing means only when the profile as a premise for transmitting the picture data is met.” The amendment clarifies that, in the present application, the picture data is transmitted from the data source side only when the profile requirement is met. That is, the profile data is the premise

for transmitting the picture data. Put another way, the data are not transmitted until the profile data requirement is met.

Tateyama does not add the element missing from Chiba.

Claim 1 is patentable over the Tateyama and Chiba because those references taken either alone or in combination do not teach or suggest each and every element recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claims 2-7 are also believed to be patentable.

CONCLUSION

Claims 1-7 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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